

17 V R E D I V I N O: 8122

OR AN

ANSWER

To all that ~~hath~~ or ~~shall~~ be Written by

REPUBLICANS.

 K

Against the Old English Constitution.

PART the first, in five CHAPTERS.

- V I Z.
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|---|---|
| Chap. I. Of Monarchy in general, of the English Monarchy in particular, the King's Power from God Only. | Chap. III. Kings are Law makers. |
| Chap. II. Power not from the People. | Chap. IV. Kings of England have no Equal, England has no Co-ordination. |
| | Chap. V. A short account of the English Constitution. |

There are many False Teachers that transform themselves into Angels of Light, and mix some precious Truths with their Damnable Errours: But if they teach any thing for Doctrine contrary to the Word of God, any Doctrine that tends to Impiety, Disobedience or Divisions, it is our Duty to reject, and with-hold Communion from them.

Long's Preface to the Second Part of Unreasonableness of Separation.

A Man's Foes shall be they of his own Household, Math. 10. 36.

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The Contents of the Second Part.

VI. *Of Hereditary Monarchy in general, of the Eng-
lish in particular.*

Chap. VII. *Of Coronation.*

Chap. VIII. *Kings unaccountable.*



TO THE
READER.

READER,

SINCE the whole Nation is in a manner poisoned with Republican Principles, and since not only the Press, but the Pulpit too vents Factious and Seditious Doctrines tending to the subversion of our Old English Constitution, I think I can't be thought unreasonable to publish these Papers, as an Antidote to expel, if possible, the Poison already swallowed by some, and as a Preservative to keep others, as yet free, from imbibing them to their own hurt, and the Ruine of our antient and happy Constitution.

If it be said, as I know it is by some, That Men of Sense and Reason [of which number no doubt they reckon themselves] value not any Man's Authority how Great or Learned soever, and therefore this Collection will signifie little to them. I Answer, That to obviate this Objection I have made the Quotations much lar-

To the Reader.

ger then otherwise I needed to have done, That these Men, who defy the Authority of Authors, as well as that of Sovereign Princes, might be convinced not only by the Authority of the Authors cited, but by their Reasons too.

If it shall be further objected that some Authors Quoted in these Papers, are either Anonymous, or their Works not to be met withal, or with Difficulty. I Answer, that these Rationalists of all Men, ought not to make this Objection, for Books or Authors can be of little or no use to them who defy both. If the Words cited out of them be agreeable to Truth, and the Dictates of Right Reason (as I am pretty sure they are, and will be found to be so by all unprejudiced Persons) and that's enough for them, and they ought to acquiesce: But if they are thoroughly prejudiced, 'tis to no purpose to attempt them, they are obstinate and will not be perswaded tho' one rose from the Dead. This is all that I think needful to say by way of Apology for publishing these Papers, and so I bid thee farewell.

CHAP. I.

Of MONARCHY.

GOD made **Paternal Power** the foundation of all Civil Govern-
ment. --- And most reasoning Men agree, that Monarchical Go-
vernment is best suiting with *God's Ordinance*, and the benefit of
Society; for even *Aristotle*, bred in, and amongst Republicks, allows
Monarchy, as the fittest Organ for the Soul of Government to Work by,
as through its unity less Subject to Divisions, and as fittest for secrecy and
Expedition: And being *Hereditary*, not *Elective*, it is agreed freest from
Faction; or having wait for Changes, or bribing for Voices, which are un-
avoidable and dangerous in all *Popular Elections*; so as it may be said, by
all these Natural advantages, *God Instituted Monarchy, and Permits on-
ly the other forms.* See Old Engl. p. 19.

Warwick
of Govern-
ment p. 12.

I shall heartily concur with Mr. *Hobbes* in the preference of *Monarchy*,
before all other kind of Government for the *Happiness* of the *People*, which is
the *End* of Government; and surely the *People* never enjoy'd (---) *Liberty*
or *Property*, or received the benefit of speedy or impartial Justice, but
under a *Monarch*; --- His Majesty is inherent in his Office, and neither
one or other is conferr'd upon him by the *People*.

Survey of
the *Levia-
than* p. 59.

See Ch. 2.

Tho' the manner of their [the *Israelites*] asking a *King* might --- offend
Samuel, and in some degree displease God, yet he might not be offended ab-
solutely with the thing it self, since it was no more than God himself had in a
manner prescrib'd to them, as well as fore-told, without any kind of Disap-
probation. *When thou art come into the Land which the Lord thy God giveth
thee, &c. and shalt say, I will set a King over me, like as all the Nations which
are about me, Thou shalt in any wise set him a King over thee, whom the Lord thy
God shall chuse, Deut. 17. 14, 15, 16, 17.* God was well content that they
should have a *King*, but reserved the Election of him to himself: He would
have no transferring of Rights, or Covenanting for one another, he would
chuse his own *Representative*. Nor amongst all the Customs of the Nations,
which he forbid them to follow, did God ever shew the least dislike of their
Government by *Kings*, which had been instituted originally by Himself, and prob-
ably been continu'd by them even from the time of the Institution, however
their Manners were degenerated, and the Knowledge of him totally forgot-
ten. And in what degree of Grace and Favour that high Calling hath been
ever since with him, appears by the mention of them, throughout the whole
Current of Scripture, by the Prerogatives he hath granted to them, and by im-
parting to them even his own Appellation.

Id. p. 76.

12. p. 99. It is a good observation, and an argument for the preference of Monarchy before any other Form of Government, in that where the Government is Popular, and the depressing the Interest and Reputation of particular Subjects is an essential Policy of that Government, yet in the managing the Affairs of their Colonies and Provinces at a distance from them, they chuse to commit the same to a single Person, as they do the Government and Conduct of their Armies, which are to defend their Government, which is a tacit implication, if not confession, that in their own Judgment they think the Monarchical the best Form of Government.

Ferns re- All times having thought good to have Kings, and to reduce the Judgment
solu. cons. of many unto one. The Government which God made choice of to set up
p. 27. among his People was Monarchical still; first in Moses, then in the Judges, then in the Kings; yet generally all Authors yield, and Experience has taught us, That Monarchy is a better Government than Aristocracy, because the Tyranny and Miscarriage of one, sometimes happening in a Monarchy, is nothing so dangerous as Oligarchy, Faction, and Division usually incident to Aristocracy or the Government by many Equals.

Necessity of There is no Power but of God. How much soever we may perhaps dislike the
Christian Higher Powers, and how ill soever they may sometimes use their Power; as
Subjection. Pilate did his, in Crucifying him whom he should have loosed, and loosing
p. 2. him whom he should have crucify'd, yet our Saviour himself acknowledges, that even this abus'd Power was *Δεδοικέναι ὑμῶν*, given him from above, Jo. 19. 11. &c.

By the Kings reign, is a general ground of the Charter both of Good and Evil Princes— So that whether they be Good or Evil we must be subject, in-
thence there is no Power but of God,— least we be found fighters against God, Acts 5. 39. whose Power none is able to resist.

Rulers are not only *not without God*, ---- and so of him permissive; but they are the Ordinance of God himself, and so of him positive, --- whereupon they worthily use in their stile, not only *Permissione divina*, or *Providentia divina*, altho' those be good Titles, taken in a good Sense (yet they imply some intermediate means betwixt God and those who bear them) but Princes write *Dei Gratia*: For by the Grace of God (*no Favour of Man*) they are what they are; so that I may say of their Government as St. Paul said of his Apostleship, it is not of Man, nor by Man, but by Jesus Christ, and God the Father, for *Cujus jussu homines nascuntur, hujus jussu & Reges constituuntur; apud his, qui in illo tempore ab ipsis regantur.* (Iren. Lib. 5. Cap. 24.) which may be demonstratively evidenced, if we shall take a Survey of the Series and Succession of Governours, from the first Man that was plac'd upon the Earth, whom we find created with an intention to make him God's Viceregent; (Gen. 1. 26.) and at his very first setting Foot upon the Earth, actually invested with Monarchical Government; (vers. 27. 28.) That Government being indeed the special Form whereby he could resemble the Image of God, who is in Heaven, as he made him upon Earth the sole unequall'd Monarch, from whom alone *Quicquid est ab uno est, & est id quod est*; and therefore he is worthy to receive glory and Honour, and power, for of him, and for him, and thro' him are all things.

Boeth. de
unit. &
uno. Apo-
caly. p. 1.
14. 1. Rom.
11. 36.

Nor

Nor was it his intention that he should only govern Beasts already created, but also he made him to be the *Monarch*, and confirm'd his Authority *Jure Naturali, Potestate patria* over all Man-kind, which should be propagated after him; who as the Angels and those of Heaven, had their beginning from God by *Creation*, and therefore were subject to him; so all the Armies upon the Earth were to deduce their Offspring from that one *Adam* by *Generation*, and so to owe him Subjection; whereas, had not God intended to have his Principality depend only upon his own Institution, and not upon the subordinate Nobles, nor the Multitudes of *Popular Election*, it had been as easy for him to have Created a *Company*, a *Colony*, a *Country*, a *Nation*, a *World* of Men upon the Earth, with his own *Faciamus*, as it was, and as he did, so many Legions of Angels in the Heavens; that so out of those choice Colonies, themselves might have made choice of a Commander. But he, who found the Heavens not free from mutiny, when he produc'd a Multitude of Inhabitants there, altho' all were his Offspring, would not give the least colour to Contention, for superiority or equality, nor pretext of Disobedience against his *Monarch* upon Earth, whilst he suffers no Subject to be set by him, but such as ow'd the Subjection and Duty of a *Son*, in descending from him; thereby teaching all Posterity, how the Power of a Prince over his Subjects is, and ought to be acknowledg'd as *Natural*, as the Power of a *Father* is over his *Son*; yea, and also thereby signifying, That as *Naturally* there can be but one *Father* of one *Child*, so *Politically* there should be but one *Prince* and *Monarch* of one *People* and *Nation*. Whereupon God did not create two Men (no nor *Eve*, but out of the Rib of *Adam*) that so from them all others should issue, and they might rule promiscuously, or that each of them should rule such as would make choice to be under his Government; rather than under others, (altho' perhaps propagated of the other) nor that the mightiest Hunter, he that could get most, should govern most, as afterwards it fell out in the degenerating Days of *Nimrod*; But he created only *One*, thereby to intimate how far *Monarchical Government* is to be preferr'd before any other, *Aristocratical, Democratical, DanApho-Oligarchical*, or the like. This, and this alone of Man on Earth, being an Idea or resemblance of God's Government in Heaven; and we pray daily, that his Will may be done on Earth, as it is in Heaven; and how can it be so, if we reject or resist that Form of Government? as also thereby he implies, that all other Forms of Government are against the Course of Nature, different from the Pattern of Heaven, diverse from Divine Institution, and indeed Punishments rather than Blessed Governments, if they be compar'd with *Monarchy*; which made the wisest of Kings affirm, that many Princes are impos'd for the Transgression of a Land, but that Realm only endures long, which is rul'd by one Man of Understanding and Knowledge; (*Prov. 28. 2.*) which Doctrine seems to be squar'd to God's own Practice throughout Ages. Whensoever he design'd any Government over his People, the *Jews*, after they were taken notice of for his peculiar, altho' for a long time he retain'd the Royal Supreme Title of King to himself, (during which time, he often times immediately deliver'd his Royal Mandates by *Urim, Thummim, Visions, Oracles, Prophecies, &c.*) yet he appointed one

Theophil.

12.

Chrylost.

Hom. 34.

in 1 Cor.

Apocalip.

12.

Theophil.

Chrylost.

ubi supra.

Gen. 10. 9.

10.

DanApho-

Oligarchical,

ris. Pol.

p. 402. 24.

Math. 6.

10.

10. 9.

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Supreme Vicegerent over them; and not Many. (for as for the Sanhedrim, they were but as Moses's or the High Priests Privy-Council, or as Delegated Judges, because of the multiplicity of Businesses) One, I say, not many, witness Moses forty years betwixt Egypt and Canaan, Joshua near sixty years, a settling them in Canaan, after them Judah, after him Othniel, then Ehad, then Shamgar, then Deborah, then Gideon, then Tolah, then Jair, then Jephthah, then Sampson, but never above One at one time. And how lamentable the Times were, when there was not one Supreme, but the Multitude took Power into their own Hands; that hideous story of the licentious Danites, and the ravished Levites Wife, and the Revenge of one upon another, may serve to astonish all Posterity, and affright them from affecting Anarchy; yea, and when God, after that he had in Mercy look'd upon their Misery, sent them new Judges, Hely and Samuel successively, and they not therewith satisfy'd, would have a King, like other Nations, he doth not set several Kings over them, as Joshua found thirty one over the Land at their entrance, but he appointed them only one King (1 Sam. 8. 22.) as being safest for His People, best resembling His Government and most agreeable to His Ordinance; wherefore we must needs be subject to such Form of Government, for it is the Ordinance of God.

Falkner of Tho' our Natural Parents be the nearest to us, on whom we have a more particular dependance, and from whom we have a more especial Care, yet Governours and Rulers, are chiefly to be honour'd, because they are set by God in an higher Station, and have a larger portion of His Authority committed to them, as God's Ministers are appointed for a comprehensive Benefit, and extensive good to Mankind, and are common Parents to govern and take care of those, who are under them in Civil Societies.

Dr. Lake's It was GOD, and God with his right Hand, who exalted David to the Kingdom of Israel. He took him from following the Ewes great with young, he brought him to feed Jacob his People, and Israel his Inheritance.

See Ch. 2. Not the diffusive, nor the collective Body of the People, could pretend an interest; to whom God left nothing, but to admit and accept him; least any Man of Israel should put in for a share, he brought Saul's Crown and Braceler, the Ensigns of his Majesty, to him, by the Hand of an Amalekite.

See Ch. 20. And as he was God's King, and not theirs, so of God's making, not his own. He might once and again have made way for himself, by dispatching Saul out of it; and Necessity and Providence (the late Pleas and Pretences amongst us) might seem to lead him to it, as it were by the Hand: Yet David would neither do it himself, nor suffer those, whose Fingers itch'd to be doing. The Kingdom of Heaven may suffer violence from him, but this Earthly one never shall. May Saul live long and enjoy it to himself, he will be content with the Reversion.

God ordain'd and appointed him to it when there was no intention, no imagination of him otherwise, till God spake of it in Vision to his Prophet. Having thus appointed, God Anointed him in token of it; Anointed him with his own holy Oyl, and that far above his Fellows; when he had thus prevented him with the Blessings of Goodness, he at length put a Crown of pure Gold upon his Head.

Sovereignty is a ray of Divinity, and Kings *Humani Joves*, so many earth-Id. p. 16. ly Gods; represent God's Person, hold his Place, have the Impress of his Power; *Dixi Dñs estis, I have said ye are Gods*, saith God himself of such Ps. 82. 6. Men; and none but God could give them the Character. If they are Gods they cannot be of Mans making; No; inde *Potestas, unde Spiritus*. Thence Tertul. Ap comes their Power, whence their Life and Breath comes. They are Kings *Dei gratia*, by the Grace of God. The Pagan Attribute of *Διόσκειρος* or *Jove-born*, God hath adopted into the Family of Religion, and made Canonical; *ye are the Children of the most High*.

God sets not up a Democracy, wherein the Popular Equality of the many; Ps. 82. 6. nor yet an Aristocracy, wherein the Faction's Ambition of a few, Beareth Id. p. 19. all the sway: Much less an Anarchy or Lawless Confusion, where *Οὐδείς ἀνδρὶ ἀνδρὸς*, No body hears nothing of no body: But he sets his King; One; and that One invested with the Regal Office and Authority, up.

This Government God dedicated in himself, and in his own administration of the World; for *God is the King of all the Earth*; and He consign'd Ps. 47. 7 many Myriads of Angels to everlasting Flames, for but a thought of competition with him in this his Monarchical Honor.

He hath settled the Church (as well as the World) in the very same way, under Jesus Christ the King of Saints; and other Kings, the Christian more especially, are his *Vice roys*.

This he set and settled amongst Men, in, and from the beginning. What was *Adam* (in the Designs of his Creation) but an Universal Monarch? *Polarchy* came in with Sin and the Curse. And yet it got not footing immediatly neither. Cicero reckons it *inter Certiora, & Notiora*, a-Cic. 13 de amongst the most certain and known Truths, that *Omnes antiquæ gentes re- Leg gibus quondam paruerunt*. All the Nations of old were Subject to Kings, and the rest were but Encroachments; such as most Nations cast in again, finding one Tyrant (take Kings at the worst) better than a great many.

Moses, the first that God set over his own People, was King in *Je-* Deut. 33. 5 shurun, &c.

I do not absolutely Condemn other Forms of Government; but I prefer the first model—briefly, of whose setting up soever other Governors or Governments are, God sets his King up; and those that of late have whet their Tongues and Pens against them, have thro their Sides struck at God himself, and impeached the Wisdom of his Institution.

Wheresoever in the New Testament there is any notice taken of, or any Falker's respect given to the Roman Power, this is done with a principal and Primary Christ respect to the Emperour, and Subordinately, to other as his Officers. This is Loyalty manifest in the Gospel, the Acts and the Epistles. The taxing or Enrolling P. 488 at the birth of our Saviour was by the Decree of Augustus; and the Tribute money had *Cesar's Image and Inscription*, to whom Christ commanded the Jews to render what was his, St. Paul's Appeal was made unto *Cesar* and St. Peter's commanding Submission was directed to the King as Supreme, and to Governors as unto them who are sent by Him. So that the Spirit of God speaks much in Favour of Monarchical Power, tho then Pagan, but gives no Encouragement to the Notion of them, who would embrace a Popular Sovereignty.

Can. I The most high and Sacred order of Kings is of *Divine Right*, being the Or-
1640. 1. *dinance of God himself, founded in the prime Laws of Nature, and clearly e-*
See Ch. 16 *stablished by express Text both of the Old and New Testament.*

17. 18. Since God is the Lord of the whole Earth he hath a Right to govern it;
Falkner's and it is in his Power to appoint Rulers and Magistrates, and to Command.
Christ. Subjection to them: and whosoever besides God, shall undertake to confer a
Loyalty Power to rule the world, as if it were Originally derived from themselves, do
P. 415. thereby put themselves upon the disposing of Gods right.

Dr. Pel- That the Authority of Supream Lawful Magistrates is *Divine*, is, and
ling's ever hath been the plain and honest Doctrine of the Church of England. And
Ser. Jan. I should have wonder'd how any Wise-man should not see it in the Homily a-
30. 1678. gainst Rebellion, but that I do consider, that That Homily is a Looking glass,
P. 13. wherein those who have been Traytors, cannot but see their own Guilt and
Traitors: Deformity, and therefore do not care to look at all into it.

I wonder at the confidence of Hobbes, and other such modern Politicians
— for talking so idly and Unphilosophically, as that Kings have their
See Ch. 2 Authority, by Compact, and Covenant, and the pleasure of the People — where-
as for many Ages after the Creation, Regal Authority descended by Inheri-
See Ch. 6 tence; and as Nature gave a Man the Fatherhood, so the Authority which
went along with it, was God's Donative; People did no more chuse their
Kings, than Children do their Fathers. As for Common-wealths, and Ari-
stocracys, and Elective States, the World formerly was unacquainted with
them; nay the very Names of them were unknown: No, they are only so
many Usurpation, and Degenerate and Bastard sorts of Government. The
Monarchical form, as it is for the Best, so tis incomparably the Oldest, and of
God's own Institution.

Id. Ser. I do not know one Christian writer for 1600 years together, who ever
Jan. 30 deny'd that the Power of the Civil Magistrate is of *Divine Institution*; tho
1684. p. 8. *Jure Divino* is now lookt-upon by some, either Fanciful, or Ill men, as
a be traying the Peoples Liberties and Rights. And yet doth not the Apostle
positively tell us, that there is no Power but of GOD? Rom. 13. 1. and to
prevent a mistake, for fear we should interpret this of God's Permission only,
he tells us in the next Breath, that the Powers that be are Ordain'd of God:
And that is much more than Permission. He hath permitted Oppressors; and
Usurpers Bradshaws, Cromwells and such like Excrements of Nature: But
he never appointed, or Ordain'd them as he doth every Lawful Prince—
And indeed how could St. Paul call Kings the Ministers of God, (as he
doth thrice for falling, in two verses, of this Chapter) were not the Auto-
rity of Kings by *Divine Right*, or Designation?

Whole Duty of Man. p. 14. The Civil Parent is he, whom God hath Establish'd the Supream Magistrate,
who by a just right possesses the Throne in a Nation. This is the Common
Father of all those that are under his Authority. The Duty we owe to this

Fern's Re- Parent is, first, Honor, and Reverence, looking on Him as upon one, on
solu. of whom God hath stamp't much of his own Power and Authority, &c.
conscience The Ruler is call'd the Minister of God Rom. 13. 4. but if so from the
p. 16. People, and no otherwise from God than Republicans, would have him, he
See Ch. 2 would be Minister Populi rather; he is indeed their Minister for their good
which

[II]

which makes the *People* to be the *End* of this *Governing Power*, not the *see. Ch. 6*
Fountain and *Original* of it: Therefore the necessity of *Subjection* urg'd in *publ. Goo*
the 5th verie, has a double ground. The *Ordinance of God*, whose *Ministers*
Rulers are, there's the *Fountain* and *Original* of *Power* to govern; then the
Peoples good, upon which *Rulers* ought to attend, that's an *End* of the *Go-*
verning Power.

To the same purpose speak those other places, *By me Kings reign: And*
I have said ye are Gods, p. 82. in relation to which our Saviour saith, *Jo. 10.*
They are called God, to whom the word of God came, that Dixi, that Word is
the *Command*, the issuing out as it were the *Commission* for the setting up
of a *Governing Power* among the *People*.

The Names which are given to *Kings* and *Queens* by *God* himself, *Grand*
should be very much regarded of all good Men, for they are called *Nursing* *Quef. about*
Fathers and *Mothers*, yea *Gods*. Is it not unnatural to unsheath the *Sword* *taking up*
against him who is the Highest of all *Earthly Gods*? *Touch not mine Anoint.* *Arms p. 4*
saith *God Almighty*, and will he allow his *Subjects* to fight against him, *See Ch. 2*
who is the *Supream Ruler*, and *Gods immediate Vicegerent* upon *Earth*;

By the *Civil Law*, all *Power* comes from *God* as the *Scripture* *Ridleys*
teacheth, and among *Powers* the two greatest are the *Empire*, and the *view pt. 2*
Priesthood; for as *God* hath ordain'd the one to rule the *Outward* *Sect. 7. p.*
Man, and to bring all his *Actions* within the compass of *Reason*, and so to *103.*
establish *Common-wealths*, and to order the same; so also hath he provid-
ed the other for the instruction of the *inward Man*, and the planting of *Re-*
ligion among *Men*.

By the *Empire*, I understand, not only the *Empire of Rome* (-----)
but also every several *Kingdom*, which acknowledges no other *Emperour* than
his own *Sovereign*; for howsoever they differ in *Name* and *Title*, yet is the
Office it self all one: For every one of them is *GOD's immediate Vicar upon Earth*
for the great *Autority* they have over other *Men* under *God*; sometimes
Ministers of God, for the *Service* they do *God* in their *Common-wealth*; some-
times most *holy*, and most *Religious*, for the care they ought to have about *Reli-*
gion, and correcting of those things which are done against the fear of *God*;
for a *King* ought in all things to propound the word of *God* before him for
his *Rule*, and to follow the *Doctrine* of the *Apostles*; sometimes they are called
most *mild*, because a *King* in all the *Course* of his *Life*, but especially in mat-
ters of *Punishment* ought to imitate the *mercy* and *Favour* of *Almighty God*.

Altho the *Emperour* or *King* be reckon'd among his *Nobility*, because
he should not be puff'd up with the *Glory* of his place, and conceive he
were of a more excellent mould than the rest, when indeed we are all of
one, and the self same clay; yet he is both by the *Ordinance* of *GOD* and
~~Man~~ as *Exe. av* (as the *Apostle* terms him) among them, that is, one who
is *Supream Sovereign* above the rest, and whom they ought in all things to
obey, so it be not against the *Law of God*, and *Common Justice*; for himself *See Ch. 3*
is instead of the whole *Law*, yea he is the *Law* it self, and the only *Inter-*
preter thereof, as in whose *Breast* is the whole knowledge of the same; which al-
beit the *Doctors* do hold with a *Qualification*, as thereby understanding,
not only the *Princes Person*, but also his *Councillours*, both which put toge-
ther, make up a perfect state of a *Prince*: Yet forasmuch as all that benefit

of Wisdom and Government that comes from them unto the Common-wealth is principally derived from the *Prince*, as from the *Head*, who has vouchsaf'd to make them, as it were Members of his Body, and so by them to derive the Power of his Government unto all; it may be rightly said, that in the Princes breast rests the fullness of all Knowledge, for the well ordering of his Common-wealth; for what they see, they see for him; what they hear, they hear for his use, what they understand, they understand to do him Service, and so consequently of the rest of the Actions of the Mind and Body, they obey the Prince as their Sovereign: So then as the Prince hath the *Primacy* in the Government of his Common-wealth, and all those which govern under him, govern by and for him; so also hath he the *Precedency* and *Protocelsy*, or fore-setting in all Assemblies before the rest, and such other as have precedence or foresitting, have it by the Princes Indulgency.

The Kings of England are Inaugured with an Imperial Crown, which *Earl* Brif-shews them to have no *dependency* either from the Emperour, or any other Earth-
tol's 1st. ly Potentate whatsoever, but to be free and *Independent*, *absolute Kings*, and
Disc. *Solum sub Deo*, under none but **GOD alone**. Yet notwithstanding this their absolute Empire, the Kings of England have by their *Charters*, *Laws*, and *Stipulations* limited this their absolute Power in many Cases, as in
See Ch. 3. Making and Repealing Laws, raising of Money without Consent, and many
and 4. other things, and these they ought not to violate. But in all things else he remains invested with all *Regal*, *Sovereign* and *Supream* Power, and this constitutes him King.

See Ch. 5. Sovereignty wheresoever it is plac'd, must necessarily have in it these five
S. 2. Powers, *viz.*

1. The Power of the *Sword*, in which are contain'd the Power of *Pro-tection* of the *Laws* and of *Just Men*, the Power of *Coertion* and *Punishment* of Offenders, and the Power of *making War and Peace*.

2dly. The Power of *making* and *repealing* Laws. Herein the Kings of England have by their *own Consent* Limited and Restrained their Power; but so that as they cannot make Laws without the assent of the Houses, so no Law can be made without their Concurrence and Assent, &c.

3dly, The Power *Judicative*, whereby all Causes, Crimes, and Controversy are decisively determin'd.

4thly. The Power of *Pardoning*, and *shewing Mercy* in Commiserable Cases, &c.

5thly. The sole Power of *Conferring Titles* and *Dignities*, the King being the *Fountain of Honour*.

Besides the five above specify'd Powers, *inseparable* from *Sovereignty*, there is, by Acts of Parliament, annex'd unto the Crown of England, as well in all Causes as over all Persons, in matters *Spiritual* as *Temporal*, a *Supremacy*, unto the Maintenance whereof we are all Sworn: The Words of the Oath are. "I shall bear Faith and true Allegiance to the King, " &c. and shall assist and defend all Jurisdictions, Priviledges, granted or be-
 " longing unto him, or united or annex'd to the Imperial Crown of this
 " Realm.

If

If these Powers be taken from the King, and he wholly divested of them, he remains *A. B.* but is no more *King*—, and so stands really Depos'd.

I do believe that *Monarchy* of all Governments is the best, and most Symmons perfect, it being most opposite to *Anarchy*, most agreeing to well order'd *Loyal Sub-Nature* (----) the most ancient and noble, from the beginning of *Nations*, *jects belief*. yea of *Families*, whereof there is still an Image in every well guided P. 7. House where *one* is chief; and lastly, it being that which God set up among his own People, and hath the nearest resemblance of himself: For where *Majesty* is all concentred in *one*, there is a more compleat *Image of God*, who is but *one*, yea and *Majesty* so united, makes it as in God more amiable to the Good, and more terrible to the Wicked. See *old England*, p. 11. 15. 18. 19. 32. 34. 113. throughout.

C H A P. II.

Power not from the PEOPLE.

WITHOUT doubt no Man is *Dominus vite sue*, and therefore cannot give that to another, which he hath not in himself. God only hath reserved that absolute Dominion and Power of Life and Death to himself, and by putting the Sword into the Hand of the *Supream Magistrate*, hath qualify'd and enabled him to execute that Justice which is necessary for the Peace and Preservation of his People; which may seem in a manner to be provided for by Mr. *Hobbes's* Law of Nature, if what he says be true, (p. 68.) That *right to the end, contains right to the means*. And this sole Proposition, that *Men cannot dispose of their own Lives*, hath been always held as a manifest and undeniable Argument that *Sovereigns never had, nor can have their Power from the People*.

Government appears to belong to God, since the *Essential* part of it, viz. the *Warwick Power of Life and Death* belongs singly to him, for no Man hath Power over of *Government*. p. his own Life; and therefore he cannot give it to another. His Wisdom therefore thought not fit to trust the giddiness of the *People* in general, with a 15. Matter of such Concern, even unto their own Peace and Welfare; for often Changes, which they would have effected, would have been more pernicious to the good of Society than *moderate*, nay *immoderate* Pressures. Hence it was even in order to Publick-Weal, that *Sovereign Authority*, and his, or their Persons, that Execute it, was set above all private Judgment to avoid disputes.

The *Sovereign Power*, by consent once lodged in *one or many*, for the same reason is not reassumable; for we see *originally*, that *Power* was never, or could ever be, lodged in the *diffusive Body* of the *People*, who had not a Power o-

ver their own Lives, and so could less have it over others; for Government was no Humane invention, but GOD's Ordinance. When People first elected their Governour, we may say it answered unto God's Providence; when by Rebellion or Defection they chang'd him, it was his Permission; for when a People demerit of him, he withstands not their intangling themselves and scratching themselves with their own Briars. So as when the Form of Government is once settled, the Posterity or Successors of the People are bound by the Consent and Choice of their Fore-fathers, because they are reputed to live in their Predecessors, and their Predecessors are said to be alive in them. And thus, when Providence in the place of Natural Governours or Parents, introduced Civil, the whole diffusive Body of the govern'd were to be (in this respect of change of their Form of Government) reputed in the State of Wives, or of Children, or Minors; for tho' the one might have chosen whether she would have dispos'd her self to such a Man to be her Husband; yet having done it, she was always under his Subjection, as the Heir is during his Minority to his Guardian. Yet both Husband and Guardian, ought to do all right to their Charge, and Courts there are to relieve both, as GOD's

Barnet's *Throne or Court is to relieve Subjects,*

Confer. p. 10. Societies being Associations of People under a Head, who hath the Power of Life and Death, that sets it beyond doubt, that the Head must only judge when the Subjects do justly forfeit their Lives or not, which before I go about to evince, I must remove that vulgar Error, of a Magistrates deriving his Power from the Surrender of the People, not yet associated, none of them hath Power of his own Life, neither hath he Power of his Neighbours, since no Man out of Society may kill another, were his Crime never so great, much less be his own Murderer; and a multitude of People not yet associated, are but so many individual Persons; therefore the Power of the Sword is not from the People, nor any of their Delegation, but is from GOD, who only can invest the Prince with the Power of the Sword.

Royalist's
Defence.
p. 110.

If Power be still in the People, then it cannot be Treason.

1. To compass or imagine the Death of the King.
2. To Levy War against the King, or to adhere unto his Enemies.
3. To deny him to be our only Supream Governour.

Nay, it may be Treason,

1. To endeavour the Preservation of the Kings from Violence.
2. For a Subject to aid the King against his Rebellious Subjects, levying War against him.
3. To maintain or affirm that the King is the only Supream Governour.
4. To deny the People to have the Sovereign Power of Government.

Bp. Ward's
Sermon on
Rom. 13.2.
pt 97

What Prince will allow such pernicious Doctrine?

That Pretence, that after a lawful Sovereign is establish'd (----) the Power still remains in the People (in the diffus'd Body of them, or their Representatives,

to alter the Government as they please, it is in respect of Policy and Government, what the Sin against the Holy Ghost is to Religion, it destroys the Foundations of the Peace and Safety of Men, and makes that to be the Artifice of Man, which is the Ordinance of God. How much God abhorred this Pretence, will appear in the Case of Korah and his Company. ---- Now the Scripture *Id.* p. 70 tells us, that since the World began, God was never more highly provok'd, than upon this Occasion; *when he heard this, he was wrath, and greatly abhorred them; he invented a new thing in the World for their sakes; for the Earth open'd and swallow'd up Dathan, and covered the Congregation of Abiram, Num. 16, 32.*

There is no doubt there are in all Governments, many things done by Survey and with the Consent of the People; Nay all Government so much depends upon the Consent of the People, that without their Consent and Submission it must be dissolved, since where no body will obey, there can be no Command, nor can one man compell a Million to do what they have no mind to do: But that any Government was Originally instituted by an assembly of Men Equally free, and that they ever elected the Person who should have the Sovereign Power over them is yet to be prov'd; and till it be prov'd, must not be supposed, to raise new Doctrins upon, which shake all Government.

Jus gladij, the right and power of the sword (which is really the Sovereign Power) belongs we know, to Kings, but it is by the Ordinance of GOD not the Donation of the People: For He bears the Sword (St Paul tells us) as GOD's Minister, from whom he received it; and not as the Peoples Minister, who had no right to give it, because they never had it themselves. If any shall say they had, the proof lyes on their part, to shew how they came by it: Whether God gave it them, or they took it themselves. If God gave it them, let it be made appear when and where the first Grant was made, let some evidence be produc'd to justify the Claim, or at least some credible Testimony, or Pregnant Presumption to render it probable that there was some such thing done, tho the Records be lost. If none of all this can be done, it remains, that if they had it they took it. And if they so did, it was Saucily and Sacrilegiously done at the first; and by our Saviours Prefage, *Mat. 26, 52.* Like enough to prosper with them accordingly at the last.

Besides the suppos'd Contract it self is en-combred with so many doubts and difficulties, that it is not possible for the wit of Man to devise *salvo's* or expedients sufficient to rescue it from infinite Intanglements, and irreconcilable contradictions. I beleive it would trouble the ablest of them all that hold this Opinion, to give a direct satisfactory answer (amongst a world of Queries more that might be tendered) to these following Interrogatories: First, for the Persons Contracting, of what sort of Persons did the People, who are suppos'd to have made the first Contract in this kind, consist? were all without difference of Age, Sex, Condition, or other respect, Promiscuously admitted to drive the bargain, or not? Had Women, and Children, and Servants, and Madmen, and Fools the Freedom of Suffrage, as well as Men of Age and Fortunes and understanding? Or were any of them excluded? If any excluded, who excluded them? by whose order, and by what Authority was it done? and who gave them that Authority? If all were admitte,

whether

Whether with equal right to every one, or with some inequality? Was the Wives interest toward, making up the Bargain equal with that of her Husband? and the Childs with that of his Parents? and the Servants (if there were or could be any such thing as Master and Servant) with that of his Master? If every one had not an equal share and Interest in the Business, whence did the Inequality arise? who made the difference between them? and what right had any Man, and how came he to have that right, to give more or less power to one than to another? If all were equal, who could summon the rest to Convene together; or appoint the day and place of meeting, or when they were met, take upon him the Authority and Office of regulating their Proceedings, of presiding or Moderating in the Assembly, of determining such doubts, and differences as might arise while matters were under debate, of Calculating the Voices, and drawing up the Articles of the agreement, in case they should agree?

But let us imagine all these could be clear'd and the Contract made as they would have it; yet would the force and Obligation of it remain questionable still: For it may be demanded, whether the Majority of Votes shall conclude all that are present, Dissenters as well as others? And whether by virtue of an Act of those upon the place an Obligation shall lye upon such as are casually absent, or willingly absent themselves, when it was free for them so to do, no Man having power to require their appearance? And whether a Contract made by such Persons as were at Liberty before, can debar those that shall succeed them in the next Generation from the use of that Liberty their Ancestors had enjoy'd? If so, by what Law or Right are the said respective persons so concluded? and whence should that Obligation spring? None of these things look like the dictates of the Law of Nature, and other Law besides that (according to our Hypothesis) when as yet there was no Government, there could be none. And the contract it self, as a bare Contract, without the help of some Law or other to give it force, cannot operate upon any but the Contractors; it cannot have any Cogeney upon those that never gave consent thereunto.

Besides these, and I know not how many more Difficultys no less insoluble, one thing there is which puzzles the Men of this Opinion very much, and wherewith a Man that were so disposed might make himself some sport, to wit, the Circle (between Property and Government) which they have Conjur'd themselves into, and wherein they run round even unto Giddiness, (like Men in a Maze or Labyrinth) not knowing which way to get out. That which some have say'd, because when they are put to it they must say some thing, viz. *That Dominion and Property, is in order of Nature before Government*, be it true or be it false as to their purpose signifies nothing; unless it could be made out that they were before it in order of time also.-----If we will but follow the clue of the Sacred History in the four first Chapters of *Genesis*, it will fairly lead us out of these Labyrinths in a plain way.-----It is certain that God in the first Creation made all living Creatures, each in their kind, in the full state and perfection of their Nature.-----And it is no less certain, that as soon as *Adam* was created, God gave to him as an *Universal Monarch*, not only Dominion over all his fellow Creatures that were upon the

the Face of the Earth, but the Government also of all the inferior World, and of all the Men that after should be Born into the World so long as he Lived; so as whatsoever Property any other Persons afterward, had or could have in any thing in any part of the World (as Cain and Abel, 'tis well known, had their Properties in several, and distinct either from other) they held it all of him, and had it *Originally* by his Gift or Assignment, either *Immediately* or *Mediatly*. Whence we may also conclude both in *Hypothesis*, that Adam's Government was before Cain's Property; and in *Thesi*; that undoubtedly Government was before Property, &c.

The Pope and Fanatick are agreed in this Principle, that *Majestas realis* is in the *People*; as Bellarmine with Buchanan do assert; and, *They that create the King, may destroy him with the same Breath*.

This is the Popes Divinity, saith Bishop Bilson, *That Kings have their Power from the People, which the Scripture saith they have from GOD*.

The Act 13. Car. 2. That tells us *It is unlawful to levy War Offensive or Defensive against the King*, does not so much pretend to invest the King with any new Authority, as to acknowledge his Antecedent Right, where it's likewise declared that *The Militia has ever been the undoubted Right of his Majesty and his Predecessors*.

Which is as plain a Concession as can be, that this Parliament did not believe our Government upon Hobbes Pacts, or that the King had his Power Originally from the *People*.

They were the *Presbyterian* Principles, out of which the *Independent* Army drew their worst Conclusions. And,

He that Considers how all along they (the *Presbyterians*) suppos'd they were his (King Charles I.) Superiours, to whom he was Accountable, will clearly discern, that it was upon the *Presbyterian* Principles, (*That the People are the Original of Power. And That what ever the People have not expressly granted, they keep to themselves*) that the *Independents* built their Conclusions. And if it were Lawful for them to wrest out of his Hands, the Sword of the *Militia*, and to use it against him, it was no less Lawful, thought the other, to imploy the Sword of *Justice* against him. At least after they had taken from him his *Sword*, his *Revenues*, his *Servants*, his *Children*, the *Liberty* of his *Person*, and which is more, of his *Conscience*, they left the *Independents* but one step further to go, which was to take away his *Life*: And all that in which they surpass'd the other was, that they gave the last blow to him. *History of the English Scottish & Presbytery written in French. 1650. Translated. 1649. See old England p. 6. 7. 8. 12. 13. 14. 15. 18. 20. 21. 22. 23. 25. 67. 70. 71. 72. 73. 74. 82. 104. 105. 113.*

Long's Vin-
dic. of Pr.
Christians.
p. 194.
Id p. 195.

Appendix
to Friendly
debate. p.
55.

C H A P. III.

The Prince makes the Laws.

Royalists
defence
p. 74.

MR. *Pryn* says Acts of Parliament made in the Time of *Usurpers*, oblige the Heirs of the Crown, and the People too. Therefore, saith he, the Legislative Power is more in the People than in the King.

Answer.

It is most false, that all Acts of Parliament made by consent of *Usurping Kings* bind the right Heirs to the Crown. But true it is, that some Acts of Parliament made by consent of *Usurpers*, have been admitted to bind in Times of *Kings* Reigning by just Title, which is upon this ground: The Competition for the Crown, may happen to be upon a Question doubtful, and the Difference (as that between *York* and *Lancaster*) may continue long, and Experience shews, That the King in Possession (whether by right or wrong) wants not means to declare his Competitor an *Usurper*. And therefore Dangerous it were for the Law to declare all such Acts of Parliament void. But admit that every Statute made by the Consent of an *Usurper* to be as binding a Law, as any other, How that proves that the Legislative Power is more in the Members than in the King is not intelligible; it rather proves the contrary, it shews there must be a Kings consent altho an *Usurper*, else no Law: And if so, stronger it is, when the King Reigns by a just Title.

Symmons
Loyal
Subj. Be-
lieif p. 8.

I do beleive that the King hath neither *Superiour* to compel him, nor *Equal* to Affront him, for then he were not the *Supream*, as the Apostle calls him; 1 Pet. 2. 14. And I do conceive that in regard of his *Supremacy* he is *Fons Legum*, the Lawgiver, Author, and Moderator of the Laws, or rather the *Lex*, Viva of his Kingdom, without him the Laws are Dead.

Id. p. 26.

The King is the *Law-giver* (as the Scripture styles him, Gen. 49. 10.) The *Sanædrim* or great Council of *Elders* may prepare or fit the Matter of the Law, but the King gives the Form or Being to it, he sets the stamp upon it, and so makes it Authorizable, whence 'tis called the *Kings Law*.

Nelson's
Interest
of King
and Peo-
ple, p. 13.

Kings as *Supream* over the People had the only Power of making Laws, and to exact Obedience and Subjection to them; by which means, they being the best Interpreters of the Laws which they had made, the Safety, Preservation and Happiness of the Society, was most likely to be secur'd, continued and preserved.

And

And this Manifests the Fundamental Error in Politicks, of those Persons, who make Laws to have a Priority before Kings and Governors; as if the Laws made Kings and Magistrates, when in truth God and Nature vested *Primo geniture* with the Right of Kings and Magistrates, and they made the First Laws.

He [Mr. Hobbes] Says the *Sovereign* is the only *Legislator*: And I will not Survey contradict him in that. It is the *Sovereign Stamp*, and *Royal Consent*, and that of *Levi* alone, that gives *Life*, and *being*, and *Title of Laws*, to that which was before *ath*, p. 12. but *Council* and *Advice*: And no such Constitution of his can be repeal'd and made void, but in the same manner, and with his *Consent*.

We know full well from the Practice of all former Parliaments, that the *Elsmere* three Estates are *Subordinate* to the King in making Laws, wherein the Chief Postnat. Power consists, they may *Propound* or *Consent*, but it is still in the Kings *p. 48* Power to *refuse* or *ratify*. See Ch. 4.

No Eminent Lawyer hath ever said that the two Arms of a Common wealth are *Force* and *Justice*, the first whereof is in the *King*, the other deposited in the hand, of the *Parliament*; but all Lawyers know, that they are *Equally* deposited in the Hands of the *King*, and that all *Justice* is administered by him, and in his *Name*: And all Men acknowledge that all the Laws are *his Laws*; *his Consent* and *Authority* only giving the *Power* and *Name* of a Law, what Concurrence, or Formality soever hath contributed towards it. *Survey of Levi*, 124.

No Bill is an Act of Parliament, or Ordinance, or Edict of Law, until both *Smith* the Houses severally have agreed unto it——no nor then neither. But the *Common* last Day of that Parliament or Session, the Prince comes in Person in his *wealth*, l. 2. Parliament Robes and Sitteth in his State.——Then one reads the Titles c. 3. of every Act which hath Past that Session, but only in this Fashion. *An Act concerning such a thing*, &c. It is marked there what the Prince doth allow, and to such he saith: *Le Roy, or La Roine le veult*. And those be taken *See Ch. 5.* now as perfect Laws and none other. S. 5.

The Laws we have conferr'd upon this Session of so Honourable a Parliament (Says *Edward Coke* Esq; Speaker of the House of Commons) are of *Cokes Sp.* two Natures; the one such as *have Life*, but are ready to *Die*, except your *to Q. Eliz.* Majesty *Breath* Life into them again, the other are Laws that *never had Life*, 1593. but being *Void of Life*, do come to your Majesty to seek *Life*. *An. Dom.*

The First sort are those Laws that had Continuance until this Parliament, Townsend and are now to Receive a new Life or to Die for ever, The other that I term *Collect.* capable of Life are those which are newly made, but have no Essence until your *P. 46.* Majesty gives them Life.

No Bill, tho' it be Past and Consented unto by all the Lords and Commons in Parliament, can or ought to be taken as an Act or Ordinance without *Appeal to* it receive Life from the *Royal Assent*. *Crompt Jurisd. Courts, Fol. 7. b.* thy *Conse.* *P. 37.*

There is a twofold Power in the Law, a *Directing* Power and a *Correcting* Power. In respect of the former the King is under the Law, that is to say, *Id. p. 34.* the Law is the Line and Rule whereby the Will of the King is guided and directed.——In respect of the latter, the King is not under the Law. For how can we possibly conceive, that he who giveth Life to the Law, should by the Law offer Force unto himself, and compel himself.

Royalists The Office of the two Houses, whilst they are continued together, is to
 defence, enquire and inform themselves of the Grievances of the Kingdom, to consult
 p. 23. how to reform them, and for that purpose (if need be) to compose Laws,
 Id. p. 34. and present them to the King. But all this is only by way of Advice, it
 binds not till the King hath taken their Counsel, and put life into those
 Laws by His Assent. The King alone properly is the Law Maker. See Old
 England. p. 19.

CHAP. IV.

Kings of ENGLAND have no Equal.

Preface to the Answer to the Declaration of the House of Commons Feb. 1647. THE Kings of England have in their Dominions Supream and Sovereign Power, neither depending upon Emperour, nor any other Earthly Power whatsoever, and are *sub nullo nisi sub deo*, as all the Laws of England declare, and all the Members of this present Parliament [1647] have sworn, 'that King C. is the only Supream Governour, as well in Spiritual and Ecclesiastical Causes and Things as Temporal; and that they will bear unto Him, and His Heirs true Faith and Allegiance, and that they will to their Power assist and defend all Jurisdictions, Privileges, Prehemiuences and Authorities belonging unto Him, or united or annex'd to His Imperial Crown: By which Oath and Acknowledgement it doth appear, That neither Parliament or People have any right by way of Co-ordination or otherwise in the Sovereignty and Government; but the King alone is the Supream, and only Governour, without dependancy on any but on GOD; and without any Co-adjutors or fellow-helpers, other than such as He calls to serve him, and to advise with, who have no Power but what is deriv'd from Him; nor no longer continuance, but during his Pleasure, or according to His concessions, neither hath the Parliament so much as a Being but by His Writ and Summons; nor retains any Being longer than He pleaseth; but are Dissolved and become Nothing with the Kings only saying that the Parliament is dissolved, &c. The King is *Caput Principium, & Finis Parliamenti*; they are Begun, Continued, Prorogued, Adjourn'd and Dissolv'd by him at his pleasure; and this is so known a Truth, and in all times so unquestion'd, that the Houses of Parliament will not deny it.

13 Eliz. Dyer Fol. 205. Without the King there can no more be a Parliament, than a Man without a Head, from the King they Receive their Being, their Continuance and their End; neither is there any Act of Parliament valid to bind the Subject without his Assent, as is acknowledg'd by Act of Parliament *prim. Jacobi* wherein it is express'd, that their acknowledgement of the Kings just Title by Act of Parliament is not good, without the Kings Consent, in these words: 'And for

‘for that this Act is not compleat nor perfect without your Majestys consent, the same is Humbly desired. So that the Kings Superiour Jurisdiction over the Parliament besides the Notoriety of it, (*& Notorietas excusat Probationem*) and besides the Records, and acknowledgments of Parliaments in all Times, Reason and Common Sense shews, that nothing can be more Subordinate and Dependent than the Parliaments of England are upon the King; for what greater Earthly dependency can the Wit of Man imagin, than that from whence, *Being, Continuance, and Dissolution* are Received? Or what more compleat Jurisdiction than that which the King hath over the Parliament, whose Acts and Laws are all invalid without his Consent? and whose very *Essence and Being* is Dissolved without shewing cause or admitting any Reply, by the Kings Single Will and Pleasure.

If Mr. Hobbes had known any thing of the Constitution of the Monarchy Survey of of England, supported by as firm Principles of Government as any Monarchy Leviathan, in Europe, and which enjoy’d a series of as long Prosperity, he could never have p. 54. thought that the late Troubles there Proceeded from an Opinion received of the greatest part of England, that the Power was divided between the King, and the Lords, and the House of Commons, which was an Opinion never heard of in England till the Rebellion was begun, and against which all the Laws of England were most clear, and known to be most positive. But as he cannot but acknowledge, that His own Sovereignty is Obnoxious to the Lusts, and other irregular Passions of the People; so the late Execrable Rebellion proceeded not from the Defect of the Laws, nor from the Defect of the Just, and ample Power of the King, but from the Power Ill Men Rebelliously possess’d themselves of, by which they Supress’d the Strength of the Laws, and wrested the Power out of the Hands of the King: Against which Violence a Sovereign is no otherwise secure, then by declaring that his Subjects proceed unjustly; of which no Body doubts, but that all they who took up Arms against the King were Guilty in the highest degree.

By the Oath of Supremacy it’s acknowledg’d, that there is no Power above the King without or within this Realm; and that he is in all Causes and over solving of all Persons Supream. Also acknowledg’d by the Petitions of the two Houses Confess’d unto His Majesty, wherein they stile themselves His Loyal Subjects.

All Power was by God and Nature invested into one Man, where still as Survey of much of it Remains as he hath not parted with, and shar’d with others, for Leviathan, the good and benefit of those (and the mutual Security of both) for whose p. 72. benefit it was first intrusted to him; the rest, which is enough, Remains still in him, and may be apply’d to the Preservation of the whole, against the Fancies of those who think he hath nothing but what they have given him See Ch. 2. and likewise against those who believe that so much is given him, that he hath Power to leave no Body else any thing to enjoy; the last of which are no less Enemies to Monarchy than the former.

King Charles the First, tho’ he knew too well the Original of his own Id. p. 57. Power, to be contented to be thought the Representative of the People, yet if Mr. Hobbes were not strangely Unconversant with the Transactions of those (the late Times) he would have known, which few Men do not know, that the

the King frequently, and upon all Occasions Reprehended the two House both for assuming the Style and Appellation of *Parliament*, which they were not, but in, and by his Majesty's *Conjunction* with them, and for calling themselves the *Representatives* of the *People*, which they neither were, or could be to any other Purpose then to *Present* their *Petitions* and Humbly to offer their *Advice*, when and in what his Majesty required it; and this was as generally understood by Men of all Conditions in *England*, as it was that Rebellion was Treason. But they who were able by false Pretences, and under false Protestations to Raise an Army, found it no difficult Matter to Perswade the Army, and those who concur'd with them, that they were not in *Rebellion*.

Warrick
of Gov.
p. 19.

It is objected, is it not more reasonable to have a *Co-ordinate* Power joyn'd with that of the Prince? Answer. No sure; for no Government can admit, a distinct Equal power within it self; for this is but like the Doctrine of *Polytheism*; for making many *Gods* and many *Sovereigns*, are equally absurd. *Co-ordination* is like to prove the Mother of a Civil War. However, *Limitation* of *Sovereignty* is agreed on by all Politicians and Civilians, to be consistent even with *Sovereignty* it self; for hereby *Sovereignty* is not taken from the Person or Persons governing, tho' to him or them the *absoluteness* of the Execution for some time, or in some part of their Sovereign Power (as not to make Laws without their three States or Orders of Subjects, *viz.* *Nobility*, *Clergy*, and *Commons* consents) be suspended; for hereby the Power is not transferr'd unto any other. So he or they remain *absolute*, tho' *Limited*; for thus as he or they cannot make Laws without another, so no other Body can make them without him, or them. And when a Law is made, it is made singly by the Prince, if it be in a *Monarchy*; or by the State, if it be in an *Aristocracy*; for a *Limited* (which we call a *Mixt*) *Monarchy*, or a *mixt Commonwealth*, is, in such cases, but like a Man, that is bound, or a Man that is sleeping; he hath temporarily lost his *Motion*, but not his *strength*; for as soon as he hath the concurrence of those, whose consent he stipulated to take, then he is unbound or awaken'd, and then he or they, not the *concurrens*, are said to Act solely and *Sovereignly*; for the Power is virtually in his or their Persons in whom the *Sovereignty* lyes; for it is the *Monarchs* or *States affirmative* voice, that makes the Law or *Sanction*, tho' it is his, or their *Negative* voice that rejects it. Thus the *Sovereign* Person or Persons, is the *Single Soul* of the Law, and all this to avoid the ill Consequences of *Co-ordination*.

He that hath *Supream* Authority over all, and against whom there is no appeal, may very justly and Lawfully be called a *Sovereign*. *Survey of Leviathan*. p. 64.

Kings are set upon an *Hill*, not upon the *Common Level*, which speaks their *Sovereignty*. In *St. Paul's* Dialect, they are the *Higher Powers*, in *St. Peter's* the *highest*, *King as Supream*.-----This is the place which all good Christians have evermore set Kings in, not *Subter* but *super*, not *under* or on even ground with them, (as in the *Modern Heraldry* of some amongst us) but over and above them. The first and best Christians recognized them as such: *Tantum a deo secundos & solo Deo minores*, as second to God, and only less than God himself, and own'd none above the Emperour; but God alone that made, and made him Emperour. *Universis minor*, was not heard of in those

Bishop
Lake's Ser.
May 22.
Rom. 13.1.
1 Pet. 2.
13.
Tertul ad
scapul.
Optat. 1.3.
Tertul. ubi
supra.

those days, that the King, tho' greater than every single Person, should be less than the Collective body of the People: But, *omnibus major, dum solo deo Minor*, which was the account then, that he is greater than all, whilst only lesser than God.

In England is no Co-ordinate, Co-equal, Corival Power of Parliaments, or Presbyterys with the King. No Sovereign Authority of the People above him. Id. p. 35. None to Match much less to Mate him, as of late we have seen. No reducing him into Order by force of Arms; no distinguishing him out of himself, nor setting up his Politick against his Personal capacity. *Singulis major, Universis Minor*, Greater than each, less than all; with the like unhallowed Divinity, belcheth not from the Pulpit and Press, as it was wont.

The Sacredness of his Person and Office is recogniz'd: and, both Secur'd, as far as the Religion of Oaths, the severity of Laws, and the sincerity of our own Declarations can do it. No Blaspheming of our Earthly God is allowed; no War levy'd by His Power, against His Person, no Tribunal erected without Him, against Him, above Him; but we are made to profess an hearty abhorrence of all such Traiterous Positions and Practices.

Arms or the Militia of the Nation (to shew the Danger of Co-ordination) is every where singly in the Prince or State; since if any but the Sovereign Warwick hath the Power of raising the Arms, they will be soon suppos'd to have the Govern. Power of using them; and therefore no Man how Loyal soever, even for p. 195. the safety of the Princes Person, can raise Arms without his Commission.

Arms are the proper Instruments of war, but Insurrection or Rebellion of Subjects is not properly to be called a War, tho' it be a use of force; for Id. p. 189. War must be made amongst equals, which no Persons, nor order of Subjects can be to their Sovereign, ----- So as all well constituted Governments reject Co-ordination as the Distracter of all Obedience, and the justification of a Civil War, therefore the Resistance of Subjects is Rebellion, not War.

There can be but one Supream; and two Co ordinate Powers are a Chimeras.

It is certain there cannot be two Co ordinate Powers in a Kingdom; for Burnets conf. p. 202. no man can serve two Masters: Therefore ----- an Assembly of the States must either be Sovereign or Subject; for a middle there is not. Id. p. 49.

I. A. B. do utterly testify in my Conscience that the Kings Highness is the only Supream Governor of this Realm, and of all other his Highness Dominions, and Countrys, as well in all spiritual things, or Causes, as Temporal. Royalists d. fence p. 78.

Now, if the contents of this Oath be true, that is, if the King be the only Supream Governor, all the rest of the People from the Highest to the Lowest whether Members or not Members, are Subject unto him, and Persons governed. See Ch. 2.

The Oath of Supremacy was compos'd by the Lords and Commons in Parliament, in the time of Queen Elizabeth. And at their suit, by Act of Parliament made high Treason for a Subject to deny to take it; and further enacted, that every Judg of the Law, and other Officer, either Spiritual or Temporal; every Person of any Profession or Calling, before he be enabled to exercise the same, every Ward, before he be permitted to sue out his Li-

very,

every, every one Elected Member of the Commons House, before he be permitted to sit or vote there, shall take this Oath. See the Earl of Brissols Apology. p. 33.

Case of Affairs in of His Barons, and all the Commons in Parliament do by Law swear Allegiance Laws and to Him as to the only Supreme Governor, and to assist and defend all Jurisdictions, Religion, Privileges Prebeminences and Authoritys, belonging to Him, his Heirs and Successors annex'd to the Imperial Crown of this Realm. By the same Oath also is every Officer of considerable Trust in Church and Common-wealth assured to his Majesty; and not only they, but every single Man of 12 Years of Age ought by Law in some or other of his Majestys Leets to swear Allegiance to his Majesty: And never in our Law have we known an Oath of Obedience to be made unto the Parliament, or any other Power in any Case either of Misgovernment or Danger, how extraordinary soever.

This Sovereignty in the King appears not only by that Oath of Supremacy, but the constant acknowledgment of our Acts of Parliament, both Ancient and modern, which always stile the King our Sovereign Lord the King.

Our very Acts of Parliament declaring this State to be a right Imperial Kingdom, a Kingdom (we know) consists of no more than two formal Parts only, that is to say, a Sovereign Head, and a Subject Body—it clearly follows that what Co-operation soever there be of any of the Members; and howsoever they may seem to be Partys, Orders, or States, Co-equally Authorized in the Power of acting with the Head, yet plainly there neither is, nor can be any Co-ordination, nor Co-equality of any Estate, Order, or Degree, of the Subject with the Sovereign, nor any Competition of the Subjects power (in his concurrence) with the Virtual and Primary Influence of the Sovereigns Power; but plain Subordination and Subjected Ministration of the one under the Sovereignty of the other.

Whosoever is King is Supreme in every thing wherein he is not especially restrain'd, and his restraint being by the peculiar Laws of his Kingdom, he can be no further restrain'd than the known Laws thereof expressly manifest.

As for the Peers and Commons they being meerly Instruments of Regulation and qualification of the Kings Legislative absoluteness, are no sharers with him in the Sovereignty, but always remain (as our Legislative Acts of Parliament do alway speak them) His Majestys Subjects. And his Majesty for all this restraining Power of theirs remains, as they themselves in the Legislative Acts, and not without an Oath, acknowledge Him their true and only Sovereign.

C H A P. V.

A short Account of the Constitution of England, &c.

Whereas there are three kinds of Government, The first *Preface to*
Monarchical, by one ; the second *Aristocratical*, by the Nobles ; the Royal
 The third *Democratical* by the People. The Government of *England* is of and Roy-
 the first sort, *Monarchical*. And the *Monarch* is the *Head*, and (with us) the *alist's Plea*
Barons and the *People*, are the *Subject-Body* of the Kingdom.

The King governs the *Church* by *Archbishops* and *Bishops*, and the *Civil* See Ch. 1.
State by *Temporal Officers* : And to enable him for that his *Administration* and S. 35.
 Government, the King is invested with sundry political Powers, as of *Treaties* of
 War and Peace, of making *Peers*, of choosing *Officers* and *Counsellours* for
 State, *Judges* for Law, *Commanders* for *Forts* and *Castles*, giving *Com-*
missions for raising Men, to make War abroad, or to provide against *Inva-*
sions or *Insurrections* at home, *Benefit* of *Confiscations*, *Power* of *Pardoning*,
 and others of the like kind : And by this *Power* and *Autority* he draws a
Respect and *Relation* from the *Nobles*, and *Fear* and *Reverence* from the *Peo-*
ple, and thereby prevents *Division*, and *Faction* in the one ; *Tumults*, *Violence*,
 and *Licentiousness* in the other, and so preserves *Peace* and *Unity* amongst us :
 As also by the *Autority* and *Power* aforesaid, the King is enabled to dis-
 charge his *Office* and *Oath* to preserve the *Laws* of the *Land* in their force,
 and the *Subjects* in their *Properties* and *Liberties*.

And as the Kingdom, so the *Parliament* of *England*, is constituted of See Ch. 4.
 a *Head*, and a *Subject-Body* ; the King being the *Head*, and the two Houses the S. 20.
Subject-Body of the *Parliament*.

The King calls the *Parliament* and dissolves it.

He calls each *Baron* by a peculiar writ.

He sends forth *Writs*, into the several *Counties*, and into the *Cities* and See Ch. 4.
Boroughs for electing *Knights*, *Citizens* and *Burgesses* to serve for them : And S. 8.
 the *People* meet and choose accordingly, and send up the *Persons* so chosen,
 as their *Proxies*, to sit and *Vote* for them by way of *Assent* and *Dissent*, upon
 all occasions in *Parliament*. And so the King and the whole Kingdom (by
 their *Representatives*) convene in *Parliament*.

As the *Barons* swear *Fealty* to the King at their *Creation*, so the *Law*
 requires the *Members* of the *House* of *Commons* to take the *Oath* of *Allegiance*
 and *Supremacy*, before they are admitted to sit there.

The *Principal Power* and *Work* of the *Parliament* is in *Law making* : And
 our *Laws* are made thus, *Bills* are fram'd and agreed on by the *Lords*, and See Ch. 3.
Commons, and afterwards presented to the King, and by the *Royal Assent* they S. 8.
 become *Laws*. And this is that which the King swears to at his *Coronation*,
 and it is well expressed in the form at the *Coronation* of *Edward* the sixth in
 these following words : ' Do you grant to make no new *Laws*, but such as
 ' shall be to the *Honour* of *God*, and to the good of the *Common-wealth*, and
 that

that the same shall be made by the consent of your People, as hath been accustomed?

And in passing of Bills, the King and the Lords and the Commons are to Vote freely, and this liberty of Vote, is the most essential Privilege of Parliament: Yea, the King, and the Lords, and Commons, have every of them their Negative Vote in this Case, thereby to preserve themselves and their Rights and Privileges one against another: And so to keep the Constitution of the Kingdom inviolate.

And it is a peculiar Privilege of the House of Commons to make the first Propositions for the Levies of Money which is the Sinews of Peace and War. Also that House takes notice of the Violating of our Liberties, and impeaches those that have oppress'd and grieved the Subject.

And the Lords proceed against them in a judiciary way, and punish them.

But in this Case the Law says, *The King can do no wrong.* And if any thing be done amiss in matter of State, the Council; if in matter of Justice, Judges must answer for it, as themselves have declar'd May. 19 Husband's Collected p. 199.

The H. of Lord, hath also a Judiciary Power upon Writs of Error brought against Judgments, in Inferiour Courts.

Also either House hath Power over their own Members: But over the Subjects at large and in general (without the Kings Concurrence) neither House hath Power, nor both of them joyn'd together.

Much less have they Power over their Sovereign Lord the King, who hath no Superiour under GOD (25. Hen. 8.) and much less over the imperial Crown (which hath been free at all times, and in no Earthly Subjection, but immediately to GOD in all things touching the Regality of the said Crown, 16 Rich. 2; 5.) And which was never invaded by any Parliament before [that in 1641.]

Lastly, touching the Privilege of the Members of Parliament themselves (in their Petition to his Majesty [K. Ch. 1st.] at the beginning of his Reign, in the Case of the Earl of Arundel) have declar'd thus, we find it an undoubted Right and constant Privilege of Parliament. That no Member of Parliament, sitting in the Parliament, or within the usual times of the Privilege of Parliament, is to be restrain'd or imprison'd, without sentence of the House, unless it be for High Treason, Felony, or for refusing to give Surety for the Peace.

And so in Queen Elizabeths time, when Wentworth made those Motions that were, but Suppos'd Dangerous to the Queens Estate; He was imprison'd in the Tower, notwithstanding the Privilege of the House, and there dyed.

Thus whereas there is in every of the three kinds of Government some good (as Unity in Monarchy; Counsel in Aristocracy; Liberty in Democracy.) And some Evils, (as Tyranny in Monarchy; Division and Faction in Aristocracy; Tumults, Violence and Licentiousness in Democracy) By the constitution of the Kingdom we have the good of all these without the Evil of any. And hence, for so many hundred years hath the English Nation been Famous and Happy to Admiration and Envy: Even from this Ancient, Equal, Happy, well Polit'd, and never enough commended Constitution of this Kingdom: From which receding [in the late times] all political Evils overtook us, even Tyranny Oppression, Division and Faction, Tumults, Violence, and Licentiousness.

